



Community & Economic Development Department

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 |

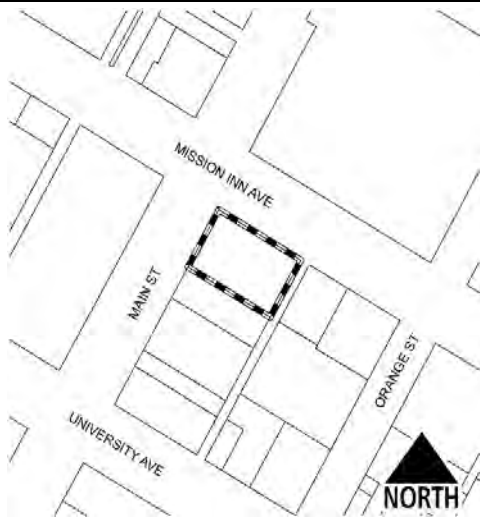
Planning Division

RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: JULY 14, 2016**

**AGENDA ITEM NO.: 4**

**OVERVIEW**

<i>Case Numbers</i>	<b>P16-0251 (Revocation or Modification of MCUP P15-0255)</b>	
<i>Request</i>	To consider the Revocation or Modification of Minor Conditional Use Permit P15-0255 pursuant to section 19.730.090 – Review for Compliance and Revocation	
<i>Petitioner</i>	<ul style="list-style-type: none"><li>Planning and Code Enforcement Divisions of the Community &amp; Economic Development Department</li><li>Police Department</li></ul>	
<i>Project Location</i>	3700-3720 Main Street	
<i>APN</i>	213-271-001	
<i>Ward</i>	1	
<i>Neighborhood</i>	Downtown	
<i>Specific Plan</i>	Downtown Specific Plan	
<i>General Plan Designation</i>	Downtown Specific Plan	
<i>Zoning Designation</i>	Downtown Specific Plan – Raincross District	
<i>Staff Planner</i>	Travis Randel, Principal Planner; 951-826-5932; <a href="mailto:trandel@riversideca.gov">trandel@riversideca.gov</a>	

## RECOMMENDATIONS

Pursuant to Chapter 19.730.090 of the Riverside Municipal Code, the Planning Commission shall hold a public hearing to consider the revocation of a Minor Conditional Use Permit granted in accordance with the provisions of this Chapter and over which such Commission has jurisdiction.

Specifically, Staff Recommends that the City Planning Commission:

1. **REVOKE** Minor Conditional Use Permit P15-0255 based on the following findings:
  - a. The permit granted is being exercised contrary to the conditions of such permit and in violation of applicable licenses, permits, regulations, laws, and ordinances; and,
  - b. The use for which the permit approval was granted is being and has been exercised to be detrimental to the public health and safety and so as to constitute a nuisance.

In the event that the Planning Commission chooses not to revoke the Minor Conditional Use Permit, staff recommends that the Commission modify the Conditions of Approval in their entirety, to those attached herein.

## BACKGROUND

The restaurant has been operating as the Hideaway Café with a Type 41 (On-sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license since May 2013. Prior to operation as the Hideaway Café, the restaurant operated as the Galleria Café Wine Gallery with a Type 41 ABC license since 2010. The current ABC License is held by Mr. Craig Johnston, property and business owner.

On September 11, 2015, following numerous Code Enforcement complaints that the Hideaway Café restaurant was operating with entertainment (DJ/dance floor) without proper land use permits, the Zoning Administrator considered and approved Minor Conditional Use Permit P15-0255, to permit entertainment in conjunction with the restaurant. The approval was contingent upon compliance with conditions of approval provided in the attached staff report (Exhibit 6).

Since the Zoning Administrator approval, staff has been working with the owner to bring the use into compliance with all conditions of approval as well as local, state and federal laws. On February 24, 2016, City staff from the Planning, Code Enforcement, Building and the Police Department met with the business owner, as required by a Condition of Approval requiring a “six month review”, to discuss the operation of the Hideaway Café. Staff expressed concerns regarding compliance with conditions of approval, as well as a lack of adequate management oversight and security operations at the business that were resulting in health and safety concerns for patrons and surrounding properties.

Since February 2016, additional violations of the Conditions of Approval, Municipal Code and accusations of illegal activity have occurred on, or as a direct result of activities at the Hideaway Café, as outlined below.

## FINDINGS

Pursuant to Section 19.730.090 of the Riverside Municipal Code, a Minor Conditional Use permit may be revoked by the Planning Commission if the Planning Commission finds any one, or more, of the following grounds:

- a) That a permit approval was obtained by fraud; or,
- b) That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances; or,
- c) That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so to constitute a nuisance.

## ANALYSIS

The following is a summary of activities associated with the operation of the business, including violations of the Conditions of Approval, the Riverside Municipal Code, and State and Federal laws, as well as Police and Code Enforcement activities that support the findings of fact to justify the revocation of the MCUP.

The Hideaway Café has a long standing history of violations of the Riverside Municipal Code and as a result of poor management and security practices, has resulted in extraordinary calls for service.

### *Violations of the Municipal Code (In Chronological Order):*

In October 2011, the Code Enforcement Division issued a Notice of Violation in response to a complaint about an unpermitted Night Club (CE-11-12856). In November 2011, the Fire Department issued a citation for exceeding the occupancy limits while Code Enforcement issued a citation for banners advertising a Live Murder Mystery Dinner Theater Show (entertainment) without a conditional use permit. By March 2012, the owner discontinued the nightclub activity and the Code Enforcement Case was closed.

In September 2013, a new Code Enforcement Case (CE-13-08746) was opened due to complaints received regarding unpermitted entertainment (DJ) and outdoor amplified speakers and a Notice of Violation was issued. In December 2013, a follow-up to the complaint resulted in a second Notice of Violation for construction of an unpermitted outdoor patio and entertainment. In January 2014, the Code Enforcement Case was closed as a permit was obtained to legalize the patio and the unpermitted entertainment had ceased.

In January 2015, a new Code Enforcement Case (CE-15-00477) was opened in response to unpermitted entertainment as well as a recent shooting in connection with the business. A Courtesy Notice of Violation was issued. In February 2015, the business owners met with City staff and confirmed that the entertainment has ended and the case was closed. Six months later, August 2015, a complaint was received about unpermitted entertainment and the case was reopened.

In September 2015, the Zoning Administrator reviewed and approved Planning Case P15-0255, a Minor Conditional Use Permit to legalize entertainment at the Hideaway Café. In conjunction

with this approval, 94 conditions of approval were added in an attempt to ensure future entertainment would not be detrimental to the general public.

In December 2015, the Code Enforcement Division issued a citation for failure to comply with several conditions of approval related to the offering and advertising of alcoholic drink specials (Conditions 12 and 56).

In February 2016, the Code Enforcement Division issued a Courtesy Notice of Violation for a number of fliers on the sidewalk advertising Hideaway including drink specials on Thursday (a night with entertainment in violation of conditions 29 and 67). The following week, an Administrative Citation was issued for offering drink specials and handing out fliers in adjacent parking garage in violation of Condition 29.

***Extraordinary Calls for Service:***

In addition to the violations to Title 19 – Zoning Code above, the Hideaway has resulted in an extraordinary call for police services. From January 1, 2014 through March 29, 2016, 97 calls for police services were requested for this location with 25 resulting in reports. A majority of the calls are related to public drunkenness and fights involving patrons of the Hideaway Café while several included the furnishing or discharge of a firearm. Some of the notable calls (in chronological order) include:

*April 3, 2015* - The reporting party advised they witnessed a Hideaway security guard being very aggressive when throwing a patron out. As a result, the patron hit her head on the pavement. The reporting party and victim were gone prior to police arriving.

*April 3, 2015* - During a bar check inside the location, officers observed a bar patron attempt to hide a bag. The suspect was determined to be under the influence and during a search of the bag, a hypodermic syringe, shaved ignition key and two bindles of methamphetamine were found.

*April 26, 2015* - The victim, a former employee of the Hideaway, saw one of the Hideaway security guards flirting with a girl. Later, she walked up to the security guard and made fun of him for flirting with a girl while he is married. He grabbed her and pushed her to the ground and she kicked him in the leg. He placed her arms behind her and pushed her up the stairs and once outside the doors, pushed her hard enough that she fell face first on the concrete.

*October 23, 2015* - Police responded to a call reference a large group fighting to the front of the Hideaway. The reporting party observed a male with a handgun in his waistband. The reporting party left the location and was not available for further details.

*November 14, 2015* - A victim reported her cell phone was taken from her by force while she was in the Hideaway. During a search, one of the robbery suspects had a loaded handgun in her boot. Security footage revealed one of the Hideaway security guards approached the suspects after they committed the crime and left the location, and gave one of the suspects a hug.

*November 15, 2015* - Officers were dispatched to a man with a gun call to the front of the Hideaway. Officers arrived and observed a group of 5-7 people standing around a vehicle. The officers told everyone to stay where they were and a suspect fled on foot. Officers detained the suspect a block away and found a loaded handgun in his waistband. When officers returned to the front of the Hideaway, they found two additional handguns under the vehicle the group was standing around.

*January 21, 2016* - Police contacted an individual who told them he threw a bottle at a Hideaway security guard then fled the location. Two Hideaway security guards chased him around the corner on Orange Street between Mission Inn Avenue and University Avenue, striking him several times before taking a photo of him and telling him not to return. He refused to press charges. A witness watched both security guards grab him, throw him to the ground and kick him multiple times in the body and head.

*February 5, 2016* - Lieutenant Bruce Blomdahl found 50-70 flyers on the sidewalk in front of the Hideaway advertising drink specials on Thursday nights.

*February 12, 2016* - A female wearing a "Hideaway" shirt was standing on the sidewalk of Orange Street between Mission Inn Avenue and University Avenue passing out red tickets and informing people they could receive any drink at the Hideaway for \$2.

*February 28, 2016* - Police responded in reference to several groups fighting each other to the front of the Hideaway. Officers observed a subject being dragged from the Hideaway by security staff. They told officers that the subject was "talking smack" before someone knocked him out.

*March 19, 2016* - Two subjects walked past the Hideaway and one subject produced a handgun and fired toward the group to the front of the Hideaway. No security from the Hideaway called the police. When contacted by police, Hideaway Security said they heard the gunfire and ran inside the bar. Because no one was hurt, they thought the gunfire was from a "blank" gun. Detective follow-up revealed that city security cameras in the area showed several Hideaway security guards chasing the subject, who fired the gun shots, down the Main Street Mall.

*May 29, 2016* - Officers responded to a "shots fired" call in the parking garage located at 3743 Orange St (Garage 1). Several subjects were detained and the investigation over the next few days revealed that two groups of subjects were inside the Hideaway bar during the evening. One group became involved in a physical altercation with a non-related group and left the location. Once in the parking garage, their vehicle struck another vehicle. That group of subjects had also just left the hideaway. A verbal altercation occurred and one subject produced a handgun and fired several shots towards the other vehicle. No one was struck with gunfire. Police have confirmed by Hideaway's video and CDL scanner that both groups of subjects were inside the location prior to the incident.

*June 26, 2016* - Officers respond to a subject with a gun. After a felony stop was done, a consent search of the vehicle revealed a loaded revolver. The investigation revealed the occupants of the vehicle were attending the Hideaway Café where one of the occupants brandished a firearm at Hideaway Security.

### ***Suspected Illegal Activity within or resulting from the Hideaway Café***

Between March 17, 2016 and May 12, 2016, the City of Riverside Police Department conducted a long-term joint undercover operation between the Vice Unit and the Narcotics Unit of the Riverside Police Department in response to the alleged sale of illegal drugs inside the Hideaway Café using a confidential reliable informant (CRI) and police officer acting in an undercover capacity (UC). Below is a summary of the Memorandums received from the Police Department (Exhibit 2):

On March 17, 2016, the CRI and UC negotiate the purchase of 3.5 grams of methamphetamine from an employee working behind the bar (Hideaway Employee). However, the transaction was not completed as it extended beyond the predetermined end time of the operation.

On March 24, 2016, the CRI made contract with the Hideaway Employee who arranged for the CRI to meet with an associate (Seller) who negotiated and completed the sale of 3.5 grams of methamphetamine in the restroom of the Hideaway Café.

On April 7, 2016, the CRI and UC made contact with the Hideaway Employee who again arranged for the CRI and UC to meet with the Seller who negotiated and completed the sale of 3.5 grams of methamphetamine on the patio outside the Hideaway Café.

On April 21, 2016, the CRI and UC contacted the Hideaway Employee who attempted to arrange for the sale of methamphetamine; however, was unable to make contact with his supplier and no deal was done.

On May 11, 2016, the CRI and UC attempted to make contact with the Hideaway Employee; however, were informed that the Hideaway Employee was off that night. A separate subject, who was working as the DJ (Hideaway DJ), was contacted and the CRI was able to negotiate and complete the sale of 1 gram of marijuana. Around the same time, the Hideaway Employee arrived and contacted the CRI and UC. The Hideaway Employee make a phone call to his Seller who met the CRI and UC to negotiation and complete the sale of 3.5 grams of methamphetamine.

This case was presented to the Riverside County District Attorney's Office and both the Hideaway Employee and Seller, who has sold drugs on three separate occasions, will be charged for the sale of narcotics while the Hideaway DJ will be charges with the sale of marijuana.

This information is provided to show a pattern of activity within the Hideaway Café and is not intended to provide proof of guilt, as determined by the Courts.

**Violation of Conditions of Approval:** The following table provides a list of the conditions of approval have been violated by the business:

Condition Number	Reason for Non-Compliance
29. The posting of flyers and other propaganda within the outdoor areas of the project site and/or adjacent public and private property, including vehicles, shall be strictly prohibited.	In February 2016, the establishment was cited for passing out fliers for drink specials.
32. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code. Should there be three or more verified complaints or service calls related to the operations of <del>indoor shooting range</del> [restaurant] within any six month period, the use shall be automatically scheduled for a revocation hearing before the City Planning Commission.	Although the condition erroneously refers to a shooting range, the condition is applicable to the restaurant. From January 1, 2014 through March 19, 2016, there have been 97 calls for service with 25 reports taken.
35. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation	As noted in this staff report, the entertainment use has been operated contrary to local laws and regulations.

of this permit.	
37. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.	As noted in this staff report, the entertainment use has been operating contrary to the conditions of approval.
38. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.	As noted in this staff report, the entertainment use has been operated contrary to local laws and regulations.
55. "Happy Hour" in the restaurant shall not be made available past 7:00 p.m., and no alcohol sales shall be permitted after 1:30 am.	The establishment has been cited for passing out fliers for drink specials.
56. No alcohol specials shall be permitted, i.e. \$1 drink nights (or other reduced price drinks), or events allowing patrons under 21.	The establishment has been cited for passing out fliers for drink specials.
66. The licensee shall be responsible for maintaining the area adjacent to the premises of which they have control and ensuring it is free of litter and graffiti.	Drink fliers distributed throughout downtown, including the parking garages resulted in litter. Fights and altercations, as well as loitering, from patrons of restaurant result in an unsafe environment for surrounding properties.
77. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.	The indemnification has not been executed and submitted to staff.

Based on the information provided in this report, staff believes there are adequate findings of fact to support the revocation of the MCUP due to the detrimental impacts this business has on the surrounding properties and Downtown neighborhood and a consistent record of violations of the municipal code, state and federal law, and conditions of approval. The Commission should note that this action would revoke the MCUP allowing “entertainment” associated with the restaurant. This would result in the prohibition of any live entertainment, DJ’s, dance floor, or other “nightclub-like” operations. The revocation of this MCUP would not prohibit the sales of alcoholic beverages in association with a bona-fide eating place because a restaurant with sale of beer and wine is permitted by right in the Downtown Specific Plan, when no entertainment is associated with the use.

## **ENVIRONMENTAL REVIEW**

This proposal is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15321, Enforcement Actions by Regulatory Agencies.

## **PUBLIC NOTICE AND COMMENTS**

Pursuant to Section 19.730.090 – Review for Compliance and Revocation, public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

## **VOTE REQUIREMENT**

Each decision by the Planning Commission to revoke a minor conditional use permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least two-thirds of the membership of the Planning Commission, such membership being based upon membership present and voting. §19.730.090B4

## **TIME LIMITS ON REAPPLICATION AND APPEAL INFORMATION**

No new application for the same or similar request may be accepted within one year of the date of the action to revoke the Minor Conditional Use Permit, unless the Community Development Director, his/her designee or Zoning Administrator as appropriate determines that a new application is warranted due to a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

Actions by the City Planning Commission may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Community Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall.



## EXHIBITS LIST

1. Riverside Police Department Memo Dated April 27, 2016
2. Riverside Police Department Memo Dated May 31, 2016
3. Riverside Police Department Memo Dated June 29, 2016
4. Code Enforcement Memo Dated May 11, 2016
5. Recommended Revised Conditions of Approval (P15-0255) should the Planning Commission choose not to Revoke Minor Conditional Use Permit P15-0255.
6. Minor Conditional Use Permit P15-0255 Staff Report and Conditions of Approval
7. February 10, 2016 letter from Planning Division to Owner to discuss 6-month review
8. June 16, 2016 letter from Planning Division to Owner regarding revocation or modification hearing
9. Aerial Photo
10. Planning Commission Resolution

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Report and Recommendations Prepared by:  
Report and Recommendations Reviewed by:  
Report and Recommendations Approved by:

Travis Randel, Principal Planner  
Ted White, City Planner  
Rafael Guzman,  
Community & Economic Development  
Director

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERSIDE, CALIFORNIA REVOKING MINOR CONDITIONAL USE PERMIT P15-0255, PLANNING CASE NO. P16-0251.

WHEREAS, on September 11, 2015, the Administrator approved Planning Case P15-0255 a Minor Conditional Use Permit to allow entertainment in conjunction with a restaurant (Hideaway Café) subject to a two-year time limit to satisfy all of the Conditions of Approval (“COA”) prior to the enactment of the MCUP; and

WHEREAS, between March 17, 2016 and May 12, 2016, the Riverside Police Department (RPD) conducted a long-term undercover operation into the sale of illegal narcotics within the Hideaway Café which resulted in the arrest of two Hideaway employees, and

WHEREAS, on May 29, 2016, the Riverside Police Department (RPD) responded to “shots fired” in the downtown parking garage (Garage 1) located at 3743 Orange Street involving several suspects who were patrons of the Hideaway Café prior to the incident; and

WHEREAS, on March 19, 2016, the Riverside Police Department (RPD) responded to a suspect producing and firing a handgun outside the Hideaway Café which security staff failed to report the incident to the RPD; and

WHEREAS, on February 28, 2016, the Riverside Police Department (RPD) responded to several groups fighting in front of the Hideaway Café; and

WHEREAS, on February 5, 2016 and February 12, 2016, the Riverside Police Department (RPD) discovered fliers and tickets for drinks at the Hideaway Café in direct conflict with the Conditions of Approval; and

WHEREAS, on October 23, 2015, November 14, 2015 and January 21, 2016, the Riverside Police Department (RPD) responded to an incident at the Hideaway Café which involved excessive force by the security staff; and

WHEREAS, between January 1, 2014 and March 19, 2016, the Hideaway Café generated 97 calls and 25 police reports, a majority of the calls related to public drunkenness and fights resulting in an extraordinary calls for service; and

1 WHEREAS, the applicant/owner of the Hideaway Café has failed to comply with many of the  
2 Conditions of Approval as outlined in the staff report; and

3 WHEREAS, on July 14, 2016, the Planning Commission met and recommended revocation of  
4 P15-0255 based on the findings attached hereto as Exhibit "A" and incorporated herein by reference.

5 WHEREAS, based upon the recitals above, and findings and conclusions stated in the July 14,  
6 2016, Planning Commission Report, and the evidence presented at the July 14, 2016, Planning  
7 Commission meeting, the Planning Commission of the City of Riverside unanimously approves the  
8 revocation of Planning Case P15-0255 (MCUP), and to further restrict the use of 3700-3720 Main  
9 Street by not permitting entertainment or similar use for a period of one year.

10 NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of  
11 Riverside, California, as follows:

12 Section 1: Minor Conditional Use Permit P15-0255 is hereby revoked.

13 Section 2: No new application for the same or similar request may be accepted within one  
14 year of the date of the action to deny or revoke, unless the Community & Economic Development  
15 Director, his/her designee as appropriate determines that a new application is warranted due to a  
16 substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity,  
17 altered traffic patterns, or any such similar change resulting in a changed physical environment.

18 ADOPTED by the Planning Commission of the City of Riverside on the \_\_\_\_\_ day of  
19 \_\_\_\_\_, 20\_\_\_\_.

20  
21 \_\_\_\_\_  
Christopher Manning  
Chair of the Planning Commission

22 Attest:

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24 \_\_\_\_\_  
Stan Stosel  
25 Secretary of the Planning Commission  
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I, Stan Stosel, Secretary for the Planning Commission of the City of Riverside, California,  
hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the Planning  
Commission of said City at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
the following vote, to wit:

Ayes:  
Noes:  
  
Absent:  
  
Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Stan Stosel  
Secretary of the Planning Commission

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CA: 16-0740





Exhibit 7 - P16-0251, Aerial

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Feet





Exhibit 7 - P16-0251, Aerial

0 30 60 120 180 240 Feet





Community & Economic Development  
Department

*City of Arts & Innovation*

VIA CERTIFIED MAIL 7009 0080 0000 4884 9919

June 16, 2016

Craig Johnston  
3700 Main Street  
Riverside, CA 92501

Dear Mr. Johnston:

This letter is to inform you that on July 14, 2016, the Planning Commission will hold a public hearing to consider the revocation or modification of Minor Conditional Use Permit P15-0255, approved by the Zoning Administrator on September 11, 2015 to permit entertainment in conjunction with an existing restaurant, the Hideaway Café.

The meeting is scheduled to begin at 9:00 A.M. in the Art Pick Council Chambers located at 3900 Main Street, Riverside, CA 92522 (City Hall). You have the opportunity to address the Planning Commission during the hearing. You may also provide written comments for distribution to the Planning Commission by submitting the documents to the Planning Commission Secretary, Frances Andrade, prior to the hearing.

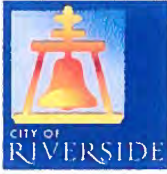
Copies of the staff report, including all applicable findings, will be available Saturday, June 2, 2016 on the City Website at <https://riversideca.legistar.com/Calendar.aspx>. Additionally, copies of the report will be sent to the e-mail on file, [mission3700@yahoo.com](mailto:mission3700@yahoo.com).

Should you have any questions, please do not hesitate to contact me at [trandel@riversideca.gov](mailto:trandel@riversideca.gov) or (951) 826-5371.

Sincerely,

Travis Randel  
Principal Planner

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | [RiversideCA.gov](http://RiversideCA.gov)



Community & Economic Development  
Department

*City of Arts & Innovation*

February 10, 2016

Craig Johnston  
Mission Galleria Café and Hideaway  
3700 Main Street  
Riverside, CA 92501

**SUBJECT: Minor Conditional Use Permit P15-0255 for Mission Galleria / Hideaway Café.**

Dear Mr. Johnston:

In September 2015, the Zoning Administrator approved Minor Conditional Use Permit (MCUP) P15-0255, a request for entertainment in conjunction with the Hideaway Café. As part of that approval, the MCUP is subject to a mandatory review to ensure compliance with all conditions of approval.

As such, I would like to request a meeting with you and your manager for 2:00pm on Wednesday, February 17, 2016 to go over the conditions of approval and identify issues or concerns that should be addressed during our review. If February 17 is unavailable, please provide a list of three or four alternative dates and times to me no later than February 12, 2016. This will be your opportunity to provide feedback and information to us on your compliance with the MCUP. To assist in this process, please provide us any written or documents problems, issues or complaints received by the Hideaway over the past 6 months.

The Zoning Administrator will review the MCUP on March 3, 2016. Based on this review, the MCUP may be modified, which may include changes or additions to the Conditions of Approval.

Should you have any questions regarding these issues, please contact Travis Randel, Principal Planner, [trandel@riversideca.gov](mailto:trandel@riversideca.gov) or myself, [twhite@riversideca.gov](mailto:twhite@riversideca.gov) or by phone at (951) 826-5371.

Sincerely,

  
Ted White  
City Planner

Cc: Lieutenant Bruce Blomdahl, Riverside Police Department, Special Operations – North  
NPC, 3775 Fairmount Blvd Riverside CA 92501

3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | [RiversideCA.gov](http://RiversideCA.gov)





City of Arts & Innovation

## COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

### Minor Conditional Use Permit (MCUP) Staff Report

**PLANNING CASE P15-0255:** Proposal by Craig Johnston to consider a Minor Conditional Use Permit for entertainment at an existing structure located at 3700 Main Street, and situated on the southerly corner of the Main Street and Mission Inn Avenue intersection, in the DSP-RC – Downtown Specific Plan – Raincross District, in Ward 1. **Contact Planner:** Gaby Adame, Assistant Planner.

#### **BACKGROUND/PROJECT DESCRIPTION**

The subject site will be located in the two-story Art Deco building at 3700 Main Street/3660 Mission Inn Avenue, known as Mission Galleria, which was originally built for Sears and Roebuck in 1937. It has a rectangular ground plan and is constructed of concrete. The flat roof features stepped Art Deco molding at the edge. The Mission Inn Avenue elevation is divided into seven bays by rectangular superimposed pilasters. The structure features rectangular fenestration with the first story having large store-front windows and the second story having semi-opaque glass. The second story of the corner bay has a stepped rectangular open grill of an intersecting diamond pattern. The color palette is beige, teal and terracotta. The building is identified as City Structure of Merit #291 and a contributor to the Mission Inn Historic District and the Seventh Street Historic District. An existing antique shop and coffee shop are currently operating in this location, as well as Hideaway Café, located in the basement.

The proposed project is requesting approval of a Minor Conditional Use Permit (MCUP) to allow entertainment in conjunction with restaurant and the sale of alcoholic beverages for on-site consumption (on-sale) in conjunction with the restaurant and entertainment venue. Proposed hours of operation are 10:00 a.m. to 1:00 a.m. Mondays and Tuesdays, 10:00 a.m. to 1:30 p.m. Wednesdays through Saturdays, and 11:00 a.m. to 1:30 a.m. on Sundays. As proposed in the Security Plan, entertainment will include open mic night Thursday 9:00 p.m. to 1:30 p.m., classic rock bands or DJ Fridays 9:00 p.m. to 1:30 p.m., DJ Saturday 9:00 p.m. to 1:30 p.m., and karaoke night Sunday 9:00 p.m. to 1:30 p.m.

A full menu will be provided until 1:00 a.m. A dress code will be enforced by security at every entrance as well as identification checks. Admittance will only be allowed to persons above the age of twenty-one (21) years. One (1) security person will be provided for every fifty (50) individuals, not including additional security for entryways. Key responsibilities of the doorman includes checking identification, head count, ensuring alcohol does not leave the premises, and ensuring noise level is not above permitted decibel level.

The building has been currently updated with a new sprinkler system under permit F11-0365 and F11-327. Building permit 14-4344 has also been issued for the replacement of the existing freight elevator with an ADA accessible elevator. Finalized construction of the elevator will be conditioned to be complete before entertainment is allowed at the site.

## LOCATION/SURROUNDING LAND USES:

	Existing Land Use	General Plan Designation	Zoning Designation
<b>Project Site</b>	Restaurant/Coffee shop/Antiques store	DSP-Downtown Specific Plan	DSP-RC-CR -- Downtown Specific Plan, Raincross District, Cultural Resources Overlay Zone
<b>North</b>	Commercial/Offices	DSP-Downtown Specific Plan	DSP-RC-CR -- Downtown Specific Plan, Raincross District, Cultural Resources Overlay Zone
<b>East</b>	Hotel	DSP-Downtown Specific Plan	DSP-RC-CR -- Downtown Specific Plan, Raincross District, Cultural Resources Overlay Zone
<b>South</b>	Surface Parking Lot/ Restaurant	DSP-Downtown Specific Plan	DSP-RC-CR -- Downtown Specific Plan, Raincross District, Cultural Resources Overlay Zone
<b>West</b>	Open Space/ Restaurants/Offices	DSP-Downtown Specific Plan	DSP-RC-CR -- Downtown Specific Plan, Raincross District, Cultural Resources Overlay Zone

## PROJECT ANALYSIS

The subject site has a General Plan land use designation of DSP – Downtown Specific Plan, a Zoning Designation of DSP-RC – Downtown Specific Plan-Raincross District, and is within the boundaries of the DSP Arts, Culture, and Entertainment District. As stated in Arts, Culture, and Entertainment section of the Downtown Specific Plan (Chapter 22), Riverside’s Downtown represents the cultural, artistic, and entertainment center of Riverside, surrounding communities, and all those who visit. The Specific Plan also indicates that the development standards for the Raincross District (Chapter 6) are designed to create a place of daytime, evening, and weekend activities, and encourage the continued use and preservation of historic structures to further propel the historic character of the City and economic health.

The DSP allows entertainment establishments subject to the granting of a Minor Conditional Use Permit and compliance with site development and operational standards related to the Zoning Codes chapter on Assemblies of People (Chapter 19.250) and Alcohol Sales (Chapter 19.450). As proposed, the project complies with all applicable standards. Due to the buildings designation as historic cultural resource, the proposed use of the building is exempted from providing parking.

Due to the site being approximately 104 feet from the Mission Inn Hotel and Spa, the applicant commissioned LSA Associates, Inc. to provide an acoustical study. The noise study, dated May 2015, determined that noise generated from the proposed use will be consistent with the provisions of the City’s Noise Code and no mitigation measures were proposed.

The applicant submitted a security plan, which was reviewed by the Riverside Police Department (RDP) and was approved with conditions. Conditions include having one security staff for every forty (40) patrons and not having entertainment more than four nights a week.

## **GENERAL FINDINGS**

The Zoning Code requires three general findings as discussed below to be made in order for a minor conditional use permit to be approved. This proposal meets all location standards of the Downtown Specific Plan and Title 19 Zoning Code.

**Required General Finding:** The proposed use will be compatible with the Municipal Code and specific site location, development and operation standards of the particular use (Section 19.250.030) and will be substantially compatible with others uses in the area not posing any materially detrimental impacts to the health, safety and general welfare of the public, including factors relating to the nature of its operation, building design, site design, traffic characteristics and environmental impacts.

**Evaluation:** The proposed use does comply with these findings. The DSP allows entertainment establishments subject to the granting of a Minor Conditional Use Permit and compliance with the location, development, and operational standards related to assemblies of people—entertainment under the Zoning Code (Chapter 19.250.030). As proposed, the project complies with all applicable standards.

As a matter of information, a public notice was mailed to all property owners within 1,000 feet of the subject property. One written response was received by staff from Tilden-Coil in support of the proposed use as long as the proper security measures are enforced. With the implementation of the recommended conditions of approval, the concerns raised by the responded will be fully addressed such that no significant impacts should occur as a result of allowing entertainment as proposed.

## **ENVIRONMENTAL DETERMINATION**

The project constitutes an existing facility which is categorically exempt per the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

## **ZONING ADMINISTRATOR'S DECISION**

The Zoning Administrator APPROVES P15-0255, subject to the following conditions:

### **CONDITIONS OF APPROVAL**

*The applicant is advised that the business or use for which this conditional use permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the approval of the Planning Department.*

#### **Conditions**

- **Planning**

*Operational Conditions – Applicable for all Entertainment Events:*

1. All entertainment uses shall follow the strict guidelines set forth in Chapter 19.250 – Assemblies of People - Entertainment, those entertainment uses that are not contained within the definitions shall not be permitted.
2. Those entertainment uses which fall under Section 9.40.020(A)(3) – Adult-Oriented Businesses, Adult Cabaret, shall not be permitted.
3. Entertainment shall be limited to Wednesday from 5:00 p.m. to 12:00 a.m., Thursday from 5:00 p.m. to 1:30 a.m. and Friday and Saturday nights from 8:00 p.m. to 1:00 a.m.
4. Entertainment activities shall not exceed four nights per week, any request for modification shall be subject to Zoning Administrator approval.
5. A maximum of three dinner shows per evening (Thursday – Saturday), lasting no more than 15 minutes per performance shall be allowed in a clearly defined area.
6. The full menu shall be available until 10:00 p.m. and an appetizer/finger food menu shall be available until within 30 minutes of closing.
7. A last call for alcohol shall be provided nightly at no later than within 45 minutes of closing. No alcohol sales shall be allowed within 30 minutes of closing.
8. All patrons shall be 21 and over after 10:00 p.m.
9. The required Minor Conditional Use Permit is subject to a mandatory six-month review. In addition to any other stipulations made by the Planning Division, three or more verified complaints within any 12-month period received by the Riverside Police Department regarding disturbances caused at the site by patrons or staff shall be grounds for revocation proceedings.

*Conditions Applicable to **Banquet** Events:*

10. Entertainment can be allowed in conjunction with banquet events.
11. Guests shall only be allowed to enter the banquet facility “by invitation only”. There shall be no cover charge to enter the restaurant facility for a banquet event; however, the host organization is allowed to charge an advance fee, such as for a conference or workshop.
12. No alcohol specials shall be offered.
13. Banquet events shall be concurrent with regular restaurant and bar operations.
14. Banquet events shall occur in a separate “banquet room”, separate from the main dining area and lounge/bar area.

*Conditions Applicable to **Private Party** Events:*

15. The restaurant and bar shall be closed to the general public during a Private Party; guests shall only be allowed to enter the facility “by invitation only”.

16. Private Parties shall end by 1:30 a.m.
17. Entertainment as proposed shall be allowed in conjunction with Private Party events.
18. Private parties shall rent the entire facility and shall be subject to the granting of a Temporary Use Permit (TUP) by the Zoning Administrator.
19. Up to six (6) Private Parties are allowed in the facility in a calendar year subject to the granting of a Temporary Use Permit (TUP). The applicant may request approval of a Temporary Use Permit to allow for six (6) additional private parties in the same calendar year, subject to review and approval by the Zoning Administrator.
20. The full menu shall be available until 10:00 p.m. and an appetizer/finger food menu shall be available until closing.
21. A last call for alcohol shall be provided nightly at no later than 1:15 a.m. No alcohol sales shall be allowed after 1:30 a.m.

*Operational Conditions – Applicable for all entertainment events:*

22. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.
23. The maximum seating capacity and/or occupancy shall not exceed that which is established by the City Fire Marshall. More than one violation of this condition shall constitute a material violation of this permit.
24. Operation of the business, including entertainment, shall be in compliance with Title 7 (Noise Control) of the Municipal Code. Noise related directly to the business shall meet or exceed Title 7 at all times for all activities, interior and exterior.
25. All doors shall remain closed while entertainment activities are occurring to minimize noise impacts.
26. The outdoor speakers shall be in compliance with Title 7 of the Municipal Code at all times as measured at the site's property line and shall not be operated between the hours of 10:00 p.m. to 7:00 a.m.
27. This Minor Conditional Use Permit shall be terminated if the operation is no longer maintained as a "Bona Fide Public Eating Place" as defined by the California Department of Alcoholic Beverage Control Act Section 23038 or as it may be amended and further as required by these conditions of approval. Such automatic termination shall be effective no later than ten (10) days following such change in operation, unless an application for revision of this permit has been submitted to the City Planning Division and has not been denied.
28. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.

29. The posting of flyers and other propaganda within the outdoor areas of the project site and/or adjacent public and private property, including vehicles, shall be strictly prohibited.
30. A copy of the minor conditional use permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
31. The applicant shall notify Planning Division staff upon a future change of ownership of the subject property and/or vacancy of the subject restaurant building.
32. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code. Should there be three or more verified complaints or service calls related to the operations of indoor shooting range within any six month period, the use shall be automatically scheduled for a revocation hearing before the City Planning Commission.
33. **Advisory:** This Minor Conditional Use Permit shall include only those entertainment uses listed in the entertainment table in the staff report. The applicant shall apply for a revised Minor Conditional Use Permit, if entertainment is proposed to be expanded beyond what has been approved under this Minor Conditional Use Permit.
34. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
35. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
36. This permit is issued based upon the business operations plan and information submitted by the applicant which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify City Planning Department of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this conditional use permit.
37. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.

38. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
39. This conditional use permit shall be terminated if the operation is no longer maintained as a “Bona Fide Public Eating Place” as defined by the California Department of Alcoholic Beverage Control Act Section 23038 or as it may be amended. Such termination shall be effective no later than ten (10) days following such change in operation, unless an application for revision of this permit has been submitted to the City Planning Department and has not been denied.
40. The applicant shall install and maintain a video monitoring system, which provided a view of the main entrance area and which is acceptable to the Riverside Chief of Police.
41. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this permit is exercised.

- **Fire**

**CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.**

42. Provide a complete floor plan of the Hide A Way to scale with the specific locations of the dance floor areas.
43. Provide an exit analysis for the Hide A Way.
44. Shall not exceed the posted maximum occupant load at any time.
45. An inspection by the Fire Department is required prior to use. Contact Inspector Douglas @ (951) 826-5828 to schedule your inspection. NOTE: FAILURE TO CALL FOR YOUR INSPECTION IS A VIOLATION OF THE CALIFORNIA FIRE CODE AND MAY RESULT IN CRIMINAL PROSECUTION.

- **Public Utilities-Water**

46. No Water Division requirements.

- **Police**

Alcohol

47. The business shall serve primarily as a restaurant equipped with a commercial kitchen, and follow guidelines of the Alcohol Beverage Control (ABC) requirements for acting as a bona fide eating place (in compliance with Section 23038 of the Business and Professions Code).

48. The sale of food shall constitute more than 50% of the total revenues generated by the establishment as required by the California Department of Alcoholic Beverage Control to.
49. The business shall serve primarily as a restaurant equipped with a commercial kitchen, and follow the guidelines of the Alcohol Beverage Control (ABC) requirements for acting as a bona fide public eating place (in compliance with Section 23038 of the Business and Professions Code).
50. The sale of food shall constitute more than 50% of the total revenues generated by the establishment as required by the California Department of Alcoholic Beverage Control to maintain a Type 41 on-sale beer and wine eating place license.
51. At all times when the establishment is open for business, the sale and service of open alcoholic beverages shall be available only in conjunction with the sale and service of full meals.
52. No alcoholic beverages shall be permitted on the property adjacent to the licensed premises under the control of the licensee.
53. No alcoholic beverages are to be sold or dispensed for consumption beyond the premises.
54. The premises on which the business is located shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises in accordance with Section 9.04.020 of the Riverside Municipal Code.
55. "Happy Hour" in the restaurant shall not be made available past 7:00 p.m., and no alcohol sales shall be permitted after 1:30 am.
56. No alcohol specials shall be permitted, i.e. \$1 drink nights (or other reduced price drinks), or events allowing patrons under 21.

#### Security

57. The business shall utilize a licensed and bonded security firm or screen to monitor the activity of their patrons inside the facility as well as the parking lot. The firm or personnel providing security for the facility shall be subject to the review of the Riverside Police Department.
58. The written security plan shall be enforced as presented including the following items contained herein:
  - a. A minimum ratio of 1 licensed and bonded security staff member for every 40 patrons shall be on-site after 9:00 p.m. to monitor the activity of their patrons inside the facility as well as the existing concrete sidewalk area, and extending a minimum of 30 minutes past closing.
  - b. The security manager shall work directly with the Riverside Police Department at least 2 weeks prior to events where bands or other performances are expected to draw large crowds.



- c. A security camera surveillance system shall be in constant use and made available to members of the Riverside Police Department.
- d. Security personnel shall mechanically keep an accurate count of persons in the restaurant and make the count available to public safety personnel upon request.
- e. Two additional security personnel shall be stationed outside all entry and exit doors after 9:00 p.m., and shall actively work with management staff to clear the surrounding area and curtilage of all persons within 30 minutes of closing.

#### Entertainment

- 59. Entertainment may not exceed 4 nights a week.
- 60. Entertainment uses that are not contained within the strict guidelines set forth in Chapter 19.250-Assemblies of People-Entertainment shall not be permitted.
- 61. Entertainment uses that fall under Section 9.40.020 (A) (3)-Adult-Oriented Businesses, Adult Cabaret, etc., shall not be permitted.
- 62. Entertainment shall be limited to interior areas of the building only. No entertainment activities shall be permitted outdoors.
- 63. There shall be no external speakers for any audio amplification system. Music shall be played indoors only and shall not be projected onto the outdoor area, including the patio area or surrounding public space.
- 64. Establishment operations and entertainment must be in compliance with Title 7 (noise Control) of the Riverside Municipal Code.
- 65. Future entertainment may be denied should it be determined that the uses or conditions under which the property is being operated or maintained is detrimental to public health or welfare, is materially injurious to public safety, or constitutes a public nuisance.

#### Grounds

- 66. The frontage area of the premises shall be equipped with lighting of sufficient power to illuminate and make easy discernment of the appearance and conduct of all persons on or about the curtilage of the establishment.
- 67. The licensee shall be responsible for maintaining the area adjacent to the premises of which they have control, and ensuring it is free of litter and graffiti.
- 68. During hours of operation, no loitering shall be permitted on any property adjacent to the license's premises which is under control of the licensee, in order to maintain public right of way.

#### Compliance

69. The applicant shall participate in a Crime Prevention through Environmental Design (CPTED) inspection and implement suggested enhancements prior to the start of serving alcohol.
70. The licensee/employees shall attend a 4 hour License, Education, Alcohol and Drug (LEAD) class presented by the Riverside Office of the Alcoholic Beverage Control within 90 days of obtaining an ABC sales license.
71. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department in the enforcement of all laws. The violation of any laws, or failure to cooperate with the Riverside Police Department, will be cause for revocation.
72. The applicant must comply with the maximum occupancy established by the City of Riverside Fire Marshal. More than one violation of this condition shall constitute a material violation of the permit.
73. A copy of the Conditional Use Permit and the Conditions of Approval shall be made available at the site and presented to City staff, including the Riverside Police Department and Code Enforcement, upon request.
74. The applicant shall post a public notice regarding slavery and human trafficking in a conspicuous place near the public entrance of the establishment, or in another conspicuous location, in clear view of the public and employees where similar notices are customarily posted, as required per Section 52.6 of the Civil Code.
75. The required conditional use permit is subject to a mandatory six-month review by the Planning Division. In addition to any other stipulations, three or more sustained complaints to the Riverside Police Department within any 12-month period regarding disturbances caused by patrons or staff at the site shall be grounds for revocation proceedings.

### **Standard Conditions**

- **Planning**

76. There shall be a two-year time limit in which to commence entertainment, beginning the day following approval by the Zoning Administrator unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
77. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
78. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may

become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.

79. This use permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
80. The applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
81. This permit is issued based upon the business operations plan and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify the Planning Division of any change in operations and such change may require a revision to this permit. Failure to notify the City of any change in operations is material grounds for revocation of this conditional use permit.
82. The applicant herein of the business subject to this conditional use permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
83. Failure to abide by all conditions of this permit shall be cause for revocation.
84. The subject property shall be operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
85. The plans shall be submitted for plan check review to assure that all required conditions have been met prior to the issuance of building permits and/or occupancy.
86. The applicant shall continually comply with all applicable rules and regulations in effect at the time permit is approved and exercised and which may become effective and applicable thereafter.
87. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this permit is exercised.
88. **Advisory:** Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. All signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, is necessary prior to any sign permit issuance.

89. **Advisory:** Exterior modifications to the existing building and/or site shall be subject to the review and approval of the Cultural Heritage Board staff.

### **General Information Notes**

90. All decisions of the Zoning Administrator or Planning Commission shall be final and effective ten days following the notice of decision unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person with in this time.
91. Any minor conditional use permit not exercised within one year of its effective date shall become void provided, however, that the Zoning Administrator may extend the time limit no more than twice and no more than one year per extension, if a written application for such an extension showing good cause and the fee for a time extension is submitted to the Planning Department prior to the expiration of the permit.
92. A minor conditional use permit shall become void if any of the conditions listed below apply:
- a. The construction or use authorized by the minor conditional use permit is not commenced and diligently pursued to completion within one year of the effective date of the conditional use permit or within the time period granted by a time extension granted in accordance with Section 19.690 of Municipal Code;
  - b. The use of which the minor conditional use permit was granted has ceased to exist or has been suspended for one year or more; or
  - c. The owner or owner's authorized representative of the property for which the minor conditional use permit was granted requests, in writing, that the permit be voided and the Zoning Administrator approves the request.
93. Failure to comply with these conditions and/or with zoning code provisions may be cause for revocation. A public hearing to consider the revocation of a minor conditional use permit may be conducted by the Planning Commission at its own initiation or at the direction of the City Council in accordance with the provisions of Section 19.730 of Municipal code.
94. If a minor conditional use permit is denied, no reapplication for the same type of use on the same property shall be allowed for at least one year following the date of final denial by either the Zoning Administrator or the City Council. The Zoning Administrator shall have the authority to determine what constitutes the "same type of use" in all instances of requested reapplication.

### **APPEAL INFORMATION**

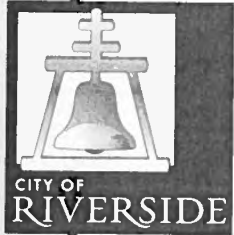
The Zoning Administrator's decision or any conditions of approval can be appealed to the City Council by the applicant or any interested person within ten days of this action. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and a check in the amount of \$1,531.20, made payable to the City of Riverside to cover the appeal fee. The Planning Division

offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed. The Planning Division's address is:

City of Riverside  
Community & Economic Development Department  
Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522

Appeals will be considered by the City Council within thirty days of the end of the appeal period.

cw: Gaby Adame  
ZA Cycle: Sept 11, 2015



## MEMORANDUM

### COMMUNITY & ECONOMIC DEVELOPMENT CODE ENFORCEMENT DIVISION

**DATE:** 05/11/2016

**TO:** TED WHITE, CITY PLANNER

**FROM:** GARY T. MERK, CODE ENFORCEMENT MANAGER

**RE:** CODE ENFORCEMENT ACTIVITY AT 3700 MAIN ST. AND "THE  
HIDEAWAY CAFÉ"

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Pursuant to a request from the Planning Department for information on Code Enforcement activity at the above listed address, following is a chronology of related Code Enforcement cases:

**10/18/11:** *Notice of Violation* issued for operating a nightclub without approved MCUP – no further complaints received and case closed.

**11/18/11:** *Administrative Citation* issued for illegal banners – banners removed and case closed

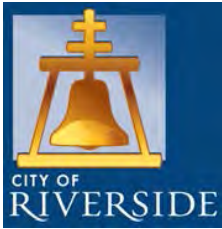
**09/14/13:** *Notice of Violation* issued for use of outdoor speakers – speakers removed and case closed.

**12/11/13:** *Notice of Violation* issued for unpermitted portable sign and placement of seating/patio in right-of-way without encroachment permit – sign removed, encroachment permit obtained and case closed.

**06/24/15:** *Notice of Violation* issued for unpermitted neon sign – sign removed and case closed.

**02/09/16:** *Notice of Violation* issued for MCUP violations (drink specials and distributing flyers – **02/12/16:** *Administrative Citation* issued for these same violations due to continued violation – no further complaints received and case closed.

**03/24/16:** *Notice of Violation* for chipped/peeling paint on building exterior with compliance date of 09/24/16 – owner is in process of obtaining historic preservation grant to make repairs.



# MEMO

## Police Department

**DATE:** June 29, 2016

**TO:** Travis Randel, Planning Department

**FROM:** Mike Crawford, Sergeant of Vice Unit, Riverside Police

**RE:** SUPPLEMENTAL INFORMATION REFERENCE THE HIDEAWAY MCUP

### Summary:

On April 27, 2016, the Riverside Police Department submitted a memorandum to the City of Riverside Planning Department concerning the operation of the Hideaway Bar located at 3700 Main Street in the city and county of Riverside.

On May 29, 2016, there was an additional incident that occurred with a nexus to the Hideaway Bar that should be included with the original memorandum.

### Details:

P16-094176: On May 29, 2016 at approximately 0148 hours, officers responded to a "shots fired" call in the parking garage located at 3743 Orange St. Several subjects were detained and the investigation over the next few days revealed the following:

Two groups of subjects were inside the Hideaway Bar during the evening. One group became involved in a physical altercation with a non-related group and left the location. Once in the parking garage, their vehicle struck another vehicle. That group of subjects had also just left the Hideaway. A verbal altercation occurred and one subject produced a handgun and fired several shots towards the other vehicle. No one was struck with gunfire. Police have confirmed by the Hideaway's security camera footage and CDL scanner that both groups of subjects were inside the location prior to the incident.



# MEMO

## Police Department

**DATE:** May 31, 2016

**TO:** Travis Randel, Planning Department

**FROM:** Jeffrey L. Greer, Deputy Chief of Police

**RE:** SUPPLEMENTAL INFORMATION REFERENCE THE HIDEAWAY CUP

### Summary:

On April 27, 2016, the Riverside Police Department submitted a memorandum to the City of Riverside Planning Department concerning the operation of The Hideaway Restaurant located at 3700 Main Street in the city and county of Riverside.

On May 12, 2016, a long-term undercover operation that was conducted in response to alleged illegal activity taking place inside The Hideaway concluded, and the results of that operation are now able to be made public.

### Details:

This was a joint operation between the Riverside Police Department's Vice Unit and the Riverside Police Department's Narcotics Unit. The operation started March 17, 2016, and concluded May 12, 2016. The operation started when vice detectives began investigating complaints that drugs were being sold inside The Hideaway Restaurant. Since the vice detectives are known by the employees of The Hideaway, narcotic detectives assumed the lead in the investigation. The narcotics detectives used a confidential reliable informant (CRI) during this investigation as well as a police officer acting in an undercover capacity (UC). The following is a timeline and summary of the investigation.

- **NARCOTICS NEGOTIATED**

On March 17, 2016, an undercover operation was conducted inside The Hideaway Restaurant using a CRI and UC. A deal was negotiated for the purchase of 3.5 grams of methamphetamine for \$75. The deal was made with an employee of The Hideaway who was working behind the bar. Due to the heavy business on St. Patrick's Day, the employee was extremely busy and told both the CRI and UC he would make the call to his connect (drug supplier) once he could take a break, but he was unable to take a break from his work duties before the predetermined end time of the operation occurred and the CRI and UC left without completing the deal.



- **NARCOTICS PURCHASED (METHAMPHETAMINE)**

On March 24, 2016, an undercover operation was conducted inside The Hideaway Restaurant with the same CRI as March 17, 2016. The CRI made contact with the same employee of The Hideaway as the previous incident on March 17, 2016. The CRI asked if the employee had any methamphetamine to sell and he said he didn't have any but could arrange for another subject to sell the CRI the drugs. The employee made a phone call and a short-time later, the employee and the CRI went upstairs where the CRI was introduced to a subject who is a frequent patron of The Hideaway. The CRI and the subject agreed on a deal. The CRI would purchase 3.5 grams of methamphetamine for \$70. The subject left and then returned to the location. The CRI and the subject went into the restroom of The Hideaway and the CRI purchased the drugs then left the location and the investigation was ongoing.

- **NARCOTICS PURCHASED (METHAMPHETAMINE)**

On April 7, 2016, an undercover operation was conducted inside The Hideaway Restaurant with the same CRI and UC. The same employee was contacted and the CRI told him that he wanted to buy some more methamphetamine. The employee called someone and told the CRI and UC to go upstairs and the same guy as before would sell them the drugs. They contacted the same subject as before outside on the patio of The Hideaway. A deal to buy 3.5 grams of methamphetamine for \$75 was made. The CRI purchased the drugs and both the CRI and UC left the location and the investigation was ongoing.

- **NARCOTICS NEGOTIATED**

On April 21, 2016, an undercover operation was conducted inside The Hideaway Restaurant with the same CRI and UC. The same employee of The Hideaway, who was working behind the bar, was contacted and he was attempting to setup a deal but he couldn't get ahold of the subject that normally supplies him with drugs. The employee made other calls but told the CRI that his other drug supplier is out of the country. He was not able to secure any methamphetamine and no deal was done.

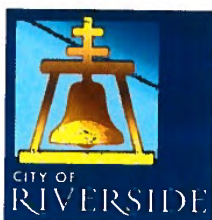
- **NARCOTICS PURCHASED (METHAMPHETAMINE AND MARIJUANA)**

On May 11, 2016, an undercover operation was conducted inside The Hideaway Restaurant with the same CRI and UC. The CRI and UC knew the name of the employee of The Hideaway that they negotiated drug deals with in previous incidents. They did not see the employee inside the business and asked The Hideaway employees if the subject was working and they were told he was off that night. A subject, who was working as the DJ that night, was contacted and the CRI was able to make a deal to purchase 1 gram of marijuana for \$20. That subject left the business once he had a break from his job and went to his vehicle and returned and the deal was completed upstairs.

Around the same time the CRI was purchasing the marijuana, the employee of The Hideaway, who worked behind the bar, arrived and contacted the CRI and UC. The CRI told the employee he wanted to purchase more methamphetamine. The employee made a phone call and a short-time later told the CRI and UC to go upstairs. Once upstairs, the same subject who supplied them with the drugs on March 24, 2016, and April 7, 2016, arrived. A deal was made to purchase 3.5 grams of methamphetamine for \$70. The subject left and returned a short-time later. The CRI purchased the drugs from the subject inside the outside patio of The Hideaway. The CRI and UC left the location and the investigation was ongoing.

**Results:**

This case was presented to the Riverside County District Attorney's Office and both the employee of The Hideaway who worked behind the bar, and the patron of The Hideaway who sold drugs on three separate occasions, will be charged with 11378 HS/Sales of Methamphetamine. The DJ of The Hideaway, who sold the marijuana, will be charged with 11359 HS/Sales of Marijuana.



# MEMO

## Police Department

**DATE:** April 27, 2016

**TO:** Travis Randel, Planning Department

**FROM:** Jeffrey L. Greer, Deputy Chief of Police

**RE:** THE HIDEAWAY, CONDITIONAL USE PERMIT RECOMMENDATION

### Summary:

The Riverside Police Department is submitting this memorandum to the City of Riverside Planning Department concerning the operation of the Hideaway Restaurant located at 3700 Main Street in the City and County of Riverside.

### Recommendation:

It is the Riverside Police Department's opinion that the Hideaway Restaurant has generated an extraordinary amount of calls for police services. The failure of management to provide competent security measures at the location has created an environment that threatens the safety of patrons and tourists visiting Riverside's historical downtown. The police department believes that because of the continuous problems at the facility, the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health and safety or so as to constitute a nuisance.

### Rationale:

All police responses to the location were compiled for a 15-month period. Each response was then examined and data that appeared to be directly related to the Hideaway and its' patrons was compiled. Routine calls that do not directly reflect the business practices at the Hideaway such as alarm calls, were excluded.

Since January 1, 2014, through March 19, 2016, there have been 97 calls for police service at this location and 25 police reports taken. The majority of the calls are related to public drunkenness and fights involving patrons but some notable calls include the following:

- **3/19/2016**      **P16-044073**      **246 PC**  
Two subjects walked past the Hideaway and one subject produced a handgun and fired toward the group to the front of the Hideaway. No security from the Hideaway called the police. When contacted by police, Hideaway Security said they heard the gunfire and ran inside the bar. Because no one was hurt, they thought the gunfire was from a "blank" gun. Detective follow-up revealed that city security cameras in the area showed several Hideaway

security guards chasing the subject, who fired the gun shots, down the Main Street Mall.

- **2/28/2016**                      **P16-032083**                      **242 PC**  
Police responded in reference to several groups fighting each other to the front of the Hideaway. Officers observed a subject being dragged from the Hideaway by security staff. They told officers that the subject was "talking smack" before someone knocked him out.
- **2/12/2016**                      **P16-022743**                      **Violation of CUP**  
A female wearing a "Hideaway" shirt was standing on the sidewalk of Orange Street between Mission Inn Avenue and University Avenue passing out red tickets and informing people they could receive any drink at the Hideaway for \$2.
- **2/05/2016**                      **P16-019281**                      **Violation of CUP**  
Lieutenant Bruce Blomdahl found 50-70 flyers on the sidewalk in front of the Hideaway advertising drink specials on Thursday nights.
- **1/21/2016**                      **P16-010047**                      **242 PC**  
Police contacted an individual who told them he threw a bottle at a Hideaway security guard then fled the location. Two Hideaway security guards chased him around the corner on Orange Street between Mission Inn Avenue and University Avenue, striking him several times before taking a photo of him and telling him not to return. He refused to press charges. A witness watched both security guards grab him, throw him to the ground and kick him multiple times in the body and head.
- **11/15/2015**                      **P15-173203**                      **29800(a) PC**  
Officers were dispatched to a man with a gun call to the front of the Hideaway. Officers arrived and observed a group of 5-7 people standing around a vehicle. The officers told everyone to stay where they were and a suspect fled on foot. Officers detained the suspect a block away and found a loaded handgun in his waistband. When officers returned to the front of the Hideaway, they found two additional handguns under the vehicle the group was standing around.
- **11/14/2015**                      **P15-172729**                      **211 PC**  
A victim reported her cell phone was taken from her by force while she was in the Hideaway. During a search, one of the robbery suspects had a loaded handgun in her boot. Security footage revealed one of the Hideaway security guards approached the suspects after they committed the crime and left the location, and gave one of the suspects a hug.

- **10/23/2015**                      **LPD15102300161297**                      **No Report**  
 Police responded to a call reference a large group fighting to the front of the Hideaway. The reporting party observed a male with a handgun in his waistband. The reporting party left the location and was not available for further details.
- **4/26/2015**                      **P15-050060**                      **245 PC**  
 The victim, a former employee of the Hideaway, saw one of the Hideaway security guards flirting with a girl. Later, she walked up to the security guard and made fun of him for flirting with a girl while he is married. He grabbed her and pushed her to the ground and she kicked him in the leg. He placed her arms behind her and pushed her up the stairs and once outside the doors, pushed her hard enough that she fell face first on the concrete.
- **4/03/2015**                      **P15-050016**                      **11377(a) HS**  
 During a bar check inside the location, officers observed a bar patron attempt to hide a bag. The suspect was determined to be under the influence and during a search of the bag, a hypodermic syringe, shaved ignition key and two bindles of methamphetamine were found.
- **4/03/2015**                      **LPD150403049839**                      **No Report**  
 The reporting party advised they witnessed a Hideaway security guard being very aggressive when throwing a patron out. As a result, the patron hit her head on the pavement. The reporting party and victim were gone prior to police arriving.
- **2/12/2015**                      **P15-022987**                      **Violation of CUP**  
 A compliance check was done at the Hideaway and during the check, the officers found posters advertising alcoholic drink specials.
- **2/04/2015**                      **P15-011723**                      **Violation of CUP**  
 The Hideaway was being used as a night club, which is a violation of its CUP.
- **8/07/2014**                      **LPD140807120079**                      **No Report**  
 There was a call of a fight to the front of the location. The reporting party heard 6 gun shots and left the location. All parties were gone prior to the police arriving.